

 <p>SPJ GLOBAL</p> <p>S P Jain School of Global Management</p> <p>DUBAI • MUMBAI • SINGAPORE • SYDNEY</p>	Student Sexual Assault and Sexual Harassment Policy and Procedures
Document Type	Policy
Administering Entity	SASH Taskforce, Vice President – Administration, Director – Human Resources, Registrar, Heads/Directors of Campuses (HoCs) and Student Counsellors
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1. Purpose

- a. S P Jain School of Global Management (S P Jain / the School) has zero tolerance for all forms of sexual assault and sexual harassment (SASH) and is committed to achieving and maintaining a safe environment.
- b. This Policy outlines S P Jain’s commitment to provide students with:
 - i. a safe physical and online learning and teaching environment; and
 - ii. prevent and respond to sexual assault or sexual harassment in a just, compassionate, timely and effective manner.

2. Application

- a. This Policy applies to students at all campuses of S P Jain.
- b. This Policy is not limited to S P Jain campuses or teaching or study hours. This Policy extends to all functions and places where students interact.

3. Laws and Standards

- a. Under the Australian Human Rights Commission Act 1986, the Sex Discrimination Act 1984, Australia and Anti-Discrimination Act 1977 (NSW), sexual harassment is unlawful and strictly prohibited.
- b. This Policy applies to every one of S P Jain’s campuses and the laws as listed below but not limited to, which apply in each jurisdiction:
 - i. Australia
 - HESF2021: Standard 2.3/ 6.2.1/ 7.3.3,
 - Australian Human Rights Commission 2017
 - National Code of Practice for Providers of Education and Training to Overseas Students 2018
 - ii. Singapore - Protection from Harassment Act (CHAPTER 256A)
 - iii. UAE – Article 359 of the Penal Code (updated 2020)
 - iv. India - The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal Act, 2013)

- c. Heads of Campuses (HoCs) of S P Jain's onshore and offshore campuses may supplement this *Student Sexual Assault and Sexual Harassment Policy and Procedures* with additional campus specific SASH procedures and processes to meet any additional local regulatory requirements. All such procedures and processes must be consistent with *this Student Sexual Assault and Sexual Harassment Policy and Procedures* and approved by Vice-President Administration in consultation with the Director – People and Culture and the Registrar.
- d. This policy also draws from the TEQSA Good Practice Note: sector July 2020 Preventing and responding to sexual assault and sexual harassment in the Australia¹.
- e. Under certain circumstances and if required statutorily, designated staff at the School's campus may have to disclose students' information including the involvement of illegal activities in accordance with local laws in accordance with the *Privacy Policy*.

4. What is Sexual Harassment?

- a. Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person.
- b. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile learning environment for other students can also be unlawful. Examples of sexual harassment include but are not limited to:
 - i. physical contact such as pinching, touching, grabbing, kissing or hugging
 - ii. staring or leering at a person or at parts of their body
 - iii. sexual jokes or comments
 - iv. requests for sexual favours
 - v. persistent requests to go out, where they are refused
 - vi. sexually explicit conversations, emails, SMS or social media
 - vii. displays of offensive material such as posters, screen savers, internet material etc.
 - viii. accessing or downloading sexually explicit material from the internet
 - ix. suggestive comments about a person's body or appearance
 - x. sending rude or offensive emails, attachments or text messages
 - xi. inappropriate advances through social media sites

5. What is Sexual Assault?

- a. Sexual assault can include but, is not limited to sexual act, sexual touching, sexual assault,

¹ www.teqsa.gov.au/sites/default/files/good-practice-note-preventing-responding-sexual-assault-sexual_harassment-v2-0-web.pdf?v=1626668840

aggravated sexual assault which are:

- i. rape e.g. forced, unwanted sex or sexual acts.
- ii. unwanted touching e.g. pinching, patting, embracing, rubbing, groping, flicking, kissing, fondling, etc.
- iii. indecent assault: indecent behaviour before, during or after an assault
- iv. obscene gestures e.g. simulating masturbation in front of a person
- v. voyeurism e.g. being watched doing intimate things without permission
- vi. pressuring for dates or demand for sex
- vii. indecent exposure
- viii. being forced to watch or participate in pornography
- ix. child sexual abuse: using power over a child or young person to involve them in sexual activity

6. What is Technology-facilitated Sexual Harassment or abuse?

- a. Technology -facilitated sexual harassment or abuse is when technology is used to threaten, intimidate, harass or humiliate someone – with the intent to hurt them socially, psychologically or even physically. Also known as cyber-abuse, it includes a range of behaviours such as but not limited to:
 - i. sending abusive or obscene text messages or emails
 - ii. making continuous threatening phone calls
 - iii. stalking a person online and hacking into their accounts, such as social media, banking or email accounts (cyberstalking)
 - iv. spying on and monitoring victims through the use of tracking systems
 - v. personal attacks through social media sites
 - vi. posting someone’s personal information online along with offensive and/or sexual comments
 - vii. sharing intimate images of someone without their consent (image-based abuse)
 - viii. using technology to control or manipulate home appliances, locks and other connected devices

7. What is Consent?

- a. Sexual consent is a free, voluntary and informed agreement between people to participate in a sexual act. This agreement is only present when these people mutually and genuinely feel they want to engage in that sexual act and actively make sure their partner does too.

This means there is only consent to a sexual activity if everyone involved:

- agrees with each other to take part
- really wants to take part – they don’t feel they have to
- checks in with each other to make sure everyone wants to take part
- shows or says they want to take part in a clear and open way.

Sexual consent relates to sexual activities, such as:

- sexual intercourse
- touching someone in a sexual way
- sharing sexual images
- online sexual activities.

It doesn't matter if you're in a relationship or not. There must be consent to engage in sexual activity that is free from violence, pressure and control. ²

Therefore, sexual consent is behaviour, which is consensual, welcome and reciprocated, and based on mutual attraction, friendship and respect.

- b. Australian Commonwealth Legislation states the factors not involving consent:
- i. lack of capacity to consent, e.g., person is unconscious, affected by alcohol or drugs
 - ii. threat to or use of force, against another person, which need not involve physical violence or physical harm
 - iii. unlawful detention
 - iv. mistaken identity and mistakes as to the nature of the act
 - v. position of authority or power, intimidation or forceful conduct

8. Who is First Responder?

- a. The first person or team to whom the disclosure or report of sexual assault or harassment is made.
- b. The School provides reputed first responder training to all first responders at all the campuses to ensure they are well trained and equipped for their roles.

9. Who is an active bystander or witness?

- a. A person who witnesses and or intervenes or says something when they see the sexual assault or harassment.
- b. Bystanders have a responsibility to report instances of sexual assault and sexual harassment that they have witnessed.

10. Responsibilities of Students:

- a. Students are responsible for:
 - i. modelling appropriate behaviour
 - ii. reporting any incident of sexual harassment that they have experienced or witnessed.
 - iii. ensuring that a person is not victimised for making, or being involved in a complaint of sexual harassment.
- b. If any student commits, condones or encourages any form of sexual assault or sexual harassment, they will be subject to disciplinary processes in accordance with the *Student Grievance and Mediation Policy and Procedures* and may have their enrolment terminated as a result.

² Department of Social Services, Australian Government: <https://www.dss.gov.au/sexual-consent>

11. SASH Awareness and Orientation

- a. The School provides online education and awareness module (by Epigean, Division of Oxford University) which must be successfully undertaken by all enrolled students prior to course commencement. The students are awarded a certificate of completion when they complete the module.
- b. To ensure effective communication and re-enforcement of this Policy and students' understanding of their responsibilities, the School staff also cover SASH during the orientation presentations at each of its campuses.
- c. The School's website also has a dedicated webpage titled "SASH Support and Services" which provides comprehensive and easily accessible information on SASH information, policies and support.

12. Responsibilities of the School's Staff

- a. The School has set up an institutional level "Sexual Assault and Sexual Harassment (SASH) Taskforce" with representatives from all campuses to act as an advisory for leadership and governance on SASH issues within the School. The SASH Taskforce's primary objective is to ensure ongoing implementation and improvement of measures to understand, prevent, identify and respond to sexual assault and sexual harassment.
- b. The SASH Taskforce arranges to provide preventive education and impart online and face-to-face training for students and nominated first responder students who will be equipped to understand, prevent and respond appropriately to sexual assault and sexual harassment issues.
- c. The SASH Taskforce also analyses summarised de-identified data (data from which all personally identifiable information has been removed) on the sexual assault and sexual harassment to determine effective ways of improvement to the processes and policy.
- d. The Head/ Director of Campus or designated staff in consultation with the Counsellor are responsible for:
 - i. Informing all the options of support, reporting and complaining mechanisms to the victims including counselling services (internal or external)
 - ii. Ensuring that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a sexual assault or harassment complaint
 - iii. Explaining S P Jain's Student Sexual Assault and Harassment Policy and Procedures to all parties involved
 - iv. Exploring informal means of resolving sexual harassment complaints if appropriate
 - v. Where required, arranging for an investigation of the alleged sexual assault or sexual harassment and the preparation of a written report.
 - vi. Determining if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation.
 - vii. In case of formal SASH investigation, receiving and reviewing the results of the investigation written report and acting appropriately and/or making recommendations for further action to Vice President – Administration

- viii. Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions
- e. The Work-Integrated Learning or Internship/Placement Managers/Director are responsible to make sure that students on placement have access to the policies and practices at that site.
- f. Head of Campus Administration/Facilities Managers are responsible to ensure all students in campus housing have been explained, read and signed as acknowledgment of the same Campus Guidelines.
- g. First responders (students or staff) are responsible to communicate all the options of support, reporting and complaining mechanisms to the victims.
- h. Head of IT or designated staff are responsible for: Online safety and considered factors student's ability to learn; technology used within the School complies with relevant legislation, including managing personal information in accordance with the Privacy Act 1988.

13. Procedure for handling Sexual Assault and Sexual Harassment complaints and grievances for students

- a. S P Jain's procedures for handling complaints are based on confidentiality, impartiality, procedural fairness, protection from victimisation and prompt resolution.
- b. Management will ensure that all complaints of sexual assault or sexual harassment are investigated quickly and fairly and treated with complete confidentiality. Any student or staff member found guilty of perpetrating or condoning sexual assault or harassment will be disciplined accordingly. This may include having their enrolment or employment terminated.
- c. Where necessary the procedures set out in the School's Critical Incident Policy will be implemented by the Head/Director of Campus.
- d. A student who experiences sexual assault or harassment, student/s who witnesses sexual assault or harassment, or a bystander staff may choose to disclose the incident, which involves sharing information about the incident to seek support and/or resources.
- e. If a student feels that they have been sexually assaulted or sexually harassed, the aggrieved student may make a complaint via the following procedure:
 - i. approach the harasser, if they feel comfortable to do so, and tell them to stop the offending behaviour immediately
 - ii. If the student is either not satisfied with the outcome of the discussions with the assailant or harasser or feels uncomfortable about approaching the assailant or harasser on their own, the student should seek the assistance of a Student Counsellor or in absence of the Student Counsellor a staff designated by the Head/Director of Campus and request intervention on their behalf
 - iii. The Student Counsellor's and designated staff's contact details will be available in each Campus Guidelines
 - iv. If the Student Counsellor or the designated staff considers it necessary, they may recommend a more thorough investigation

- v. If the matter is not resolved, the student can make a formal written complaint of the assault or harassment to the Head/Director of Campus in writing via email or letter. The student may elect to make such a complaint as an initial step without approaching the harasser
 - vi. To ensure prompt and thorough investigation of a sexual assault or harassment complaint, the student should provide as much of the following information as possible:
 - The name, department and position of the person or persons allegedly committing harassment
 - A description of the incident(s), including the date(s), location(s) and the presence of any witnesses
 - The effect of the incident(s) on the student's ability to learn
 - The names of other individuals who might have witnessed the assault or harassment or been subject to the same or similar harassment
 - Any other information the student believes to be relevant
 - vii. Two independent staff will be designated for each investigation by the Head/ Director of Campus. All complaints will be investigated promptly, fairly and confidentially by the designated staff
 - viii. The investigation will involve interviewing the person or persons about whom the complaint has been lodged
 - viii. Any other person(s) who may have been involved or who may have witnessed the incident(s) will be interviewed as part of the investigation
 - ix. Investigations may last between three days to maximum of three weeks
 - x. Any person who has a complaint of assault or harassment made against them will be provided with an opportunity to respond to the allegations. No one will be treated unfairly as a result of a complaint of sexual assault or sexual harassment
 - xi. If the investigation finds that sexual assault or harassment has occurred, the Head/ Director of Campus will be consulted, and an appropriate response will be approved. This may include the perpetrator's enrolment being terminated
 - xii. Following the investigation, the complainant will be informed by the Head/Director of Campus in writing about what action (if any) is proposed to be taken
 - xiii. If the complainant is not satisfied with the way the complaint has been handled, they have the right to appeal the decision as per the guidelines in the Student Grievance and Mediation Policy and Procedures.
- f. A bystander student or staff should report the incident and seek assistance of a Student Counsellor or in absence of the Student Counsellor the Head of Campus and request intervention on their behalf. The process for handling a bystander student or staff report will be managed by the Student Counsellor and Head of Campus jointly on a case to case basis.
- g. All documentation in relation to the complaint, investigation and outcomes must be filed securely in the Complaints Register by the Head/ Director of Campus and a copy must be forwarded to Vice President – Administration upon completion of the investigation.

14. Emergency Contact details:

- a. Internal emergency and external emergency contacts will be detailed in each Student Handbook, Campus guidelines and School's website.

Related documents

- a. AHRC's "Change the Course" National Report 2017
- b. Critical Incident Policy
- c. Esafety.gov.au toolkit
- d. Higher Education Standards Framework 2021
- e. Housing and Accommodation Policy
- f. India - The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal Act, 2013)
- g. National Code of Practice for Providers of Education and Training to Overseas Students 2018
- h. Privacy Policy
- i. Singapore's - Protection from Harassment Act: POHA (CHAPTER 256A)
- j. Student Code of Conduct Policy
- k. Student Grievance and Mediation Policy and Procedures
- l. Student Misconduct Policy and Procedures
- m. Student Support Policy
- n. Terms of Reference of the Sexual Assault and Sexual Harassment (SASH) Taskforce
- o. Third Party Arrangements and Policy
- p. UAE – Article 359 of the Penal Code (updated 2020)
- q. Work Integrated Learning Policy